

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

CURTIS E. CRAWFORD,

Plaintiff,

v.

CIVIL ACTION NO. 5:06-cv-00255

DANIEL METCALFE,

Defendant.

**MEMORANDUM OPINION**

Pending before the Court are Defendant's Motion for Summary Judgment [Docket 13]. By Standing Order entered July 21, 2004, and filed in this case on April 5, 2006, this case was referred to United States Magistrate Judge R. Clarke VanDervort for submission of Proposed Findings of Fact and a Recommendation (PF&R) pursuant to 28 U.S.C. § 636(b)(1)(B).<sup>\*</sup> On February 7, 2008, Magistrate Judge VanDervort filed his PF&R, recommending that Defendant's Motion for Summary Judgment [Docket 13] be **GRANTED** and Plaintiff's case be **DISMISSED**.

*I. BACKGROUND*

The factual and procedural history is set forth more fully in the PF&R. On April 5, 2006, Plaintiff filed an Application for Judicial Review [Docket 1] pursuant to 5 U.S.C. § 552(1)(4)(B), alleging that he was denied certain information available to him by right under the Freedom of Information Act (FOIA). Among the information Plaintiff requests is a medical report regarding

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<sup>\*</sup> This case was originally assigned to Chief Judge Joseph R. Goodwin, however, on April 17, 2006, the case was reassigned to the undersigned judge.

treatment for injuries allegedly sustained at the hands of the United States Marshals on March 25, 2005, and the names of United States Deputy Marshals who participated in his search and arrest on that date.

Defendant filed a motion for summary judgment on March 15, 2007, arguing that it complied with the directives of the FOIA and attaching the affidavit of William E. Bordley, Associate General Counsel and FOIA Office of the United States Marshals Service, to establish the factual basis for its defense. Plaintiff, despite being served notice of his opportunity to respond to Defendant's motion, has yet to file such a response. The Magistrate Judge found, under the FOIA, that Defendant responded appropriately to Plaintiff's request by performing a good faith search of the appropriate records and supplying properly redacted records to Plaintiff. Based on those findings, the Magistrate Judge recommends that this Court grant Defendant's motion for summary judgment and dismiss the case.

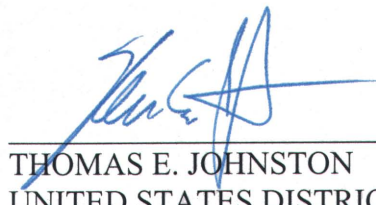
## II. ANALYSIS

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and the petitioner's right to appeal this Court's Order. *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge VanDervort's PF&R were due by February 25, 2008, pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). To date, no objections have been filed. Accordingly, the Court **ADOPTS** the Magistrate Judge's PF&R in its entirety.

*III. CONCLUSION*

For the reasons set forth above, the Court **ADOPTS** the Magistrate Judge's PF&R [Docket 16], **GRANTS** Defendant's Motion for Summary Judgment [Docket 13], and **DISMISSES** Plaintiff's Application for Judicial Review [Docket 1]. A separate Judgment Order will enter this day implementing the rulings contained herein.

ENTER: March 3, 2008

A handwritten signature in blue ink, appearing to read 'Th. Johnston', is written over a horizontal line.

THOMAS E. JOHNSTON  
UNITED STATES DISTRICT JUDGE